

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION

1199SEIU, UNITED HEALTHCARE  
WORKERS EAST,  
*Plaintiffs,*

vs.

NORTH ADAMS REGIONAL HOSPITAL  
*Defendant*

Civil Action No. 3:12-cv-30033-KPN

NARH'S STATEMENT OF MATERIAL  
FACTS AS TO WHICH THERE EXISTS A  
GENUINE ISSUE TO BE TRIED

Pursuant to Local Rule 56.1 of the United States District Court for the District of Massachusetts, the defendant North Adams Regional Hospital, hereby submits this statement of material facts as to which it contends there exists a genuine issue to be tried:

**Plaintiff's Statement of Material Facts , ¶ 6:** Since the Arbitrator's Award was issued the parties have been unable to agree upon what actions must be taken in order to reinstate the Grievant to his "position" and to make the Grievant "whole."

**Issue:** NARH incorporates by reference paragraphs 17 & 18 of NARH's Statement of Additional Material Facts.

**Plaintiff's Statement of Material Facts, ¶ 8:** Although the Hospital has returned Grievant back to work, it has refused to assign him the ultrasound work that he was performing prior to his termination. The Hospital also contends that Mr. Wheeler

would have lost this ultrasound work at some point during the period he was improperly terminated.

**Issue:** NARH incorporates by reference paragraphs 12-16 of NARH's Statement of Additional Material Facts.

**Plaintiff's Statement of Material Facts, ¶ 10:** As a result of the Grievant's loss of ultrasound work, the Union contends that his damages in lost pay and overtime are continuing.

**Issue:** NARH incorporates by reference paragraphs 10-11 and 13-16 of NARH's Statement of Additional Material Facts

Respectfully submitted,

The Defendant,  
NORTH ADAMS REGIONAL HOSPITAL  
By Their Attorney:

Dated: July 20, 2012

/s/ Daniel J. Finnegan  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served upon all counsel of record via this Court's CM/ECF system or, if not registered on this Court's CM/ECF system, then via first class mail, postage prepaid, on this 20<sup>th</sup> day of July, 2012.

/s/ Daniel J. Finnegan

Daniel J. Finnegan

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